

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

JACK REESE, ET AL, on behalf of
themselves and a similarly situated class

Plaintiffs,

Case No. 04-70592

v.

Honorable Patrick J. Duggan

CNH AMERICA LLC.,

Defendant .

**OPINION AND ORDER GRANTING IN PART DEFENDANTS' MOTION TO
LIFT STAY AND SCHEDULING STATUS CONFERENCE**

At a session of said Court, held in the U.S.
District Courthouse, Eastern District
of Michigan, on November 13, 2006.

PRESENT: THE HONORABLE PATRICK J. DUGGAN
U.S. DISTRICT COURT JUDGE

On August 21, 2006, the Court stayed this action pending the Supreme Court's consideration of Petitions for Writ of Certiorari filed in *Yolton v. El Paso Tennessee Pipeline Co.*, a related case. The Supreme Court denied the petitions on November 6, 2006. Therefore, on the following day, Defendants filed a motion to lift the August 21 stay. In their motion, Defendants also ask the Court to amend the previous scheduling order and place this case on an expedited briefing and trial schedule.

Plaintiffs filed a response to the motion on November 10, 2006. In their response,

Plaintiffs indicate their agreement that the stay should be lifted. Plaintiffs, however, object to Defendants' proposed expedited schedule. Plaintiffs set forth several reasons for their objection, including already scheduled commitments and obligations of their counsel and the necessity of reviewing and summarizing more than fifteen hundred pages of documents Defendants produced after the stay was entered. Plaintiffs ask the Court to schedule a joint status conference for this case and *Yolton* to establish a realistic schedule for both cases.

As all parties agree that the stay should be lifted, and the Court sees no reason why it should not be lifted, **the stay is lifted**. In order to consider the needs of all parties in establishing a new scheduling order, the Court sets a status conference in this case for **2:30 p.m. on Monday, November 27, 2006**. Plaintiffs shall notify the attorneys in *Yolton* of this status conference and, if all parties agree to make this a joint status conference to discuss a scheduling order in that case, Plaintiffs must notify the Court orally or in writing and the Court will issue a notice setting *Yolton* for a status conference on the same date and at the same time.

IT IS SO ORDERED.

s/PATRICK J. DUGGAN
UNITED STATES DISTRICT JUDGE

Copies to:
Samuel C. McKnight, Esq.
Norman C. Ankers, Esq.
Bobby R. Burchfield, Esq.